

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TEXAS INSURANCE COMPANY,

Plaintiff,

v.

ARES INSURANCE MANAGERS LLC,

Defendant.

CASE NO. C23-01473-KKE

ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND ORDERING JOINT STATUS  
REPORT

THIS MATTER came before the Court on the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction. Dkt. No. 3. Having reviewed the motion, Plaintiff's supplemental brief (Dkt. No. 13), and the balance of the docket, the Court DENIES the Plaintiff's motion for a Temporary Restraining Order.

A temporary restraining order ("TRO"), as with any preliminary injunctive relief, is an extraordinary remedy, "never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). A party seeking a TRO must establish (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of preliminary relief; (3) a balancing of equities tips in favor of a TRO; and (4) an injunction is in the public interest. *Id.* at 20; *see Stuhlberg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (the standards for a TRO

1 and a preliminary injunction are equivalent). To obtain injunctive relief, “plaintiffs must establish  
2 that irreparable harm is *likely*, not just possible, in order to obtain a preliminary injunction.” *All*  
3 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). “Irreparable harm is  
4 traditionally defined as harm for which there is no adequate legal remedy, such as an award of  
5 damages.” *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014).

6 Here, the Plaintiff has not met its burden to show it faces irreparable harm in the absence  
7 of relief. The Plaintiff has not shown that the harms it identified in its TRO motion and  
8 supplemental briefing cannot be adequately remedied through an award of damages.

9 As Plaintiff styled its motion as a request for a preliminary injunction in the alternative  
10 (Dkt. No. 3), the Court is inclined to re-note the motion as a preliminary injunction motion, with  
11 a briefing schedule set in accordance with Local Civil Rule 7(d)(3). Under this rule, the motion  
12 would be noted for October 13, 2023. Before taking this action, the Court seeks the parties’ input.

13 The parties are ORDERED to meet and confer, either in-person or via videoconference or  
14 telephone, and file a joint status report with the Court no later than 5:00pm on Friday, September  
15 29, 2023 addressing the following issues:

- 16 1. Whether the parties object to the briefing schedule proposed herein, and if so, an  
17 alternative schedule for the re-noting and briefing of Plaintiff’s motion;
- 18 2. Whether the parties request oral argument and/or an evidentiary hearing on the motion;  
19 and
- 20 3. Whether the need for expedited discovery or other matters require Court intervention  
21 before the motion for preliminary injunction can be fully briefed and heard.

22 If necessary, the parties may request a status conference to address issues that the parties  
23 are unable to resolve.

24 Dated this 26<sup>th</sup> day of September, 2023.



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Kymberly K. Evanson  
United States District Judge